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MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 24, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Buzz Nielsen, Police Chief
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Joseph Moore, CED Director
Jim Welch, Finance Director
Kelly Davis, Acting Community Preservation Director
Tim Bywater, Acting City Attorney
Aaron Crim, Administration
Jake Arslanian, Public Works Director

14105 OPENING CEREMONY

The Opening Ceremony was conducted by Russ Brooks who discussed the upcoming Olympic Summer Games and stated he was proud to note Councilmember Carolynn Burt would be acting as an official at the swimming trials to be held the next week.

14106 APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 10, 2008

The Council read and considered the Minutes of the Regular Meeting held June 10, 2008. There were no changes, corrections or deletions.

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-2-

After discussion, Councilmember Burt moved to approve Minutes of the Regular Meeting held June 10, 2008, as written. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14107

COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

Junior Fatonni, 5244 W. Holder Drive, addressed the City Council and stated he represented the Samoan Cultural Celebration of Utah. He explained there were two Samoan events going on at the same time in the month of July: one at Centennial Park, the Samoan Heritage Celebration; and their event at Hunter High School. Mr. Fatonni stated they wanted to hold their event at the park, but obviously it was taken. He apologized for phone calls and confusion regarding these two events. He distributed an event plan for the Hunter High event. He discussed security issues and stated their committee was working with local authorities and the Granite School District. The actual security for the event will be done by Granite School District as they have their own security team. In the evening, they are hoping to work with the West Valley City Police Department for security. Mr. Fatonni indicated he wanted to introduce himself and other members of their group. He stated they were the “other group” which was in its first year of organization. He expressed surprise and wonder as to why there were so many phone calls and complaints about their group. He stated the purpose of their event was for health and education for youth and senior citizens. Mr. Fatonni answered questions from members of the City Council regarding their event and funds to be donated afterward, which would give back to the community. He invited the City Council to attend the event and stated official letters of invitation would soon be sent.

Mayor Nordfelt asked those in attendance in support of the event to raise their hands.

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-3-

Kathryn Marie Dunn, 6497 W. King Valley Road, addressed the City Council. Ms. Dunn stated she was the mother of 11 children and a resident of West Valley City for 16 years. She advised she was an aide at the Monticello Academy charter school. She offered her time and efforts as part of exploration committee regarding an ordinance text change for animal zoning. She discussed economics of raising chickens to produce her own egg supply. She proposed text changes including requirements for cleanliness, lot size, number of chickens allowed, and etc. She offered her support and would be glad to raise the money for the application and also gather signatures of others interested in this issue. Ms. Dunn answered questions from members of the City Council regarding her proposal. Mayor Nordfelt suggested Ms. Dunn work with members of City staff. Acting City Manager, Paul Isaac, stated he would first refer the matter to the Law Department and then to the CED Department for proper review. CED Director, Joseph Moore, advised the issue was already being studied by staff at this time.

Alan Anderson, President and CEO of ChamberWest, addressed the City Council. Mr. Anderson discussed proposed Resolution No. 08-181 regarding the Mountain View Corridor. He advised he was appearing officially with the Chamber's position and was happy to see the City looking at the issue. He indicated there were two things the City and Chamber agreed upon regarding the Mountain View Corridor; one was that it had to be built sooner than later, and secondly it needed to be a freeway and not a toll road. He read aloud from the Chamber's policy statement: "ChamberWest supports the right-of-way acquisition and construction of the Mountain View Corridor as a vital west side freeway and not as a toll road. ChamberWest encourages transportation leaders to review and find alternative funding options and funding diversification for the Mountain View Corridor to maintain its free usage. This corridor is necessary for economic development and prosperity and is urgently needed to handle the planned residential and commercial growth over the next several decades." He indicated as a west side leader, the Chamber met with multiple cities to make certain all were "on the same page" and communicating a similar message to individuals in decision-making positions. He stated it was important the Mountain View Corridor be built as a freeway and the Chamber applauded the City Council for the subject resolution.

Mayor Nordfelt inquired if members of the City Council would be open to Mr. Anderson making comments on any amendments made regarding the subject resolution later in the meeting, and upon discussion, the Council expressed concurrence with that recommendation.

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-4-

14108

RESOLUTION NO. 08-180, AMENDMENT NO. 1 TO THE INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR CONVEYANCE OF PROPERTY LOCATED AT 3450 WEST 3500 SOUTH

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-180 which would approve an Amendment No. 1 to the Interlocal Cooperation Agreement with Salt Lake County for conveyance of property located at 3450 West 3500 South.

Mr. Isaac stated upon approval of the amendment, Salt Lake County will formally transfer and convey to the City, the property located at the above stated location. He reported the City desired to use, and was currently using, the property for right-of-way for a public road along 3450 West Street. He stated Salt Lake County would convey to the City the property for the purpose of operating and maintaining the public road. He indicated the City would be solely responsible for maintaining the property in good condition.

The Acting City Manager further stated it had been found the legal description for the subject property was incorrect on the original Agreement dated January 29, 2008, and approved by Resolution No. 07-231. He indicated the subject amendment would correct the legal description and all other items in the original agreement would remain unchanged.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-180, a Resolution Authorizing West Valley City to Execute Amendment No. 1 to the Interlocal Cooperation Agreement with Salt Lake County for Conveyance of Property Located at 3450 West 3500 South. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-5-

14109

RESOLUTION NO. 08-181, URGING THE UTAH LEGISLATURE TO REFRAIN FROM USING TOLLS AS A MEANS OF PAYING FOR CONSTRUCTION OR CORRIDOR PRESERVATION ALONG THE MOUNTAIN VIEW CORRIDOR

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-181 which would urge the Utah Legislature to refrain from using tolls as a means of paying for construction or corridor preservation along the Mountain View Corridor.

Mr. Isaac stated the Utah Department of Transportation (UDOT) planned to construct the Mountain View Corridor, which would pass through the City and be of use to residents of the City. He also stated the City recognized the need for the highway and supported its construction to manage traffic and support economic development. He indicated UDOT had stated there was a possibility of using tolling as a way of paying for construction of the Mountain View Corridor. He reminded the Council had expressed desire to express opposition to use of tolling as a funding mechanism for the highway.

Acting City Manager, Paul Isaac, stated the proposed resolution had been placed on the agenda at the request of the City Council. Upon discussion, members of the City Council individually commented and expressed opinions regarding tolling and possible funding sources, and the Mountain View Corridor, in general, including language in the proposed resolution.

Mayor Nordfelt stated the Council had many discussions regarding the Mountain View Corridor and tolling in the past and most recently in the Study Session prior to this meeting. He stated in the Study Session, Councilmember Rushton expressed a desire to make an amendment to the language of the subject resolution. He recognized Councilmember Rushton to make a motion.

Councilmember Rushton indicated he had an amendment to add some words and change other words to emphasize the urgent need and importance of building this freeway and the important part West Valley City and its motorists will play.

Councilmember Rushton moved to amend Resolution No. 08-181 to add the word “comprehensive” in the first clause between “for and highway,” to delete the word “pass” and change to the word “extend” and to insert the word “immediate” in the second clause between “of and use” and then in the resolve clause to delete “looking at” and change to “pursuing.”

Councilmember Coleman seconded the motion.

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-6-

Councilmember Winder offered a substitute motion to include the word “comprehensive” made by Councilmember Rushton. In the second clause include the change made by Councilmember Rushton to strike “pass” and add “extend” and not include the word “immediate” in that clause because it was referring to the proposed route and the route itself once established was not necessarily immediate, it would be once the highway was built. In the sixth clause to change the wording to state, the City believes that the use of tolls is the “least desirable option” for funding. In the resolve clause instead of the word “pursuing” as proposed by Councilmember Rushton, use the word “considering” so it would read additional that the City Council would encourage considering all other reasonable measures. The reason for that was pursuing meant that we wanted them to pursue all other reasonable measures, and he did not think that was the intent.

Councilmember Coleman seconded the substitute motion.

Mayor Nordfelt called for discussion regarding the substitute motion.

Councilmember Burt expressed opposition to the motion. She did not mind changing “pursuing” to “considering” but she did not want to water down the impact of this, as she desired the Legislature to know that West Valley City was in agreement with all of the other cities along the western side of the Salt Lake Valley, that we are opposed to tolling. The subject resolution was very close to those adopted by West Jordan, Draper, Riverton, South Jordan and Cottonwood Heights. She told of conversations with individuals and members of the Association of Municipal Governments regarding the need to send a strong message to the Legislature regarding the issue of tolling.

After discussion, Mayor Nordfelt summarized Councilmember Burt’s comments and then recognized Councilmember Winder.

Councilmember Winder explained reasons for the wording he proposed in his motion and stated the most important language in the subject resolution was the resolved clause, which made a strong statement in expressing the City’s opposition to tolling as a source of funds for construction of the Mountain View Corridor. He stated his own opposition to tolling and indicated other ways to pay for a highway were not desirable either, whether it was a gas tax or higher fees for vehicle parts, etc.; the reality was those would be shared more equitably by the rest of the people in the County and the State, whereas a toll was very lopsided and unfair toward those on the west side.

Councilmember Coleman concurred with Councilmember Winder’s comments and stated he thought the fairest toll, even though not politically feasible, would

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-7-

be a tolling booth at the Utah County line which would allow Salt Lake County residents to use the Mountain View Corridor without a toll, but those traveling across Utah/Salt Lake county lines would pay for that option. He expressed support for the substitute motion.

Councilmember Burt stated a phrase was left out of both motions regarding not setting a precedent for tolling as this would be the first toll road in Utah and we do not want to set a precedent on the west side of the County. She expressed favor for the word “considering” rather than “pursuing,” but would prefer the amendments to language as proposed in the first motion rather than the substitute motion.

Mayor Nordfelt recognized Alan Anderson who previously addressed the City Council during the Citizen Comment period regarding this issue.

Alan Anderson, representing ChamberWest, addressed the City Council and stated wording in the proposed Resolution was strong in stating the City’s opposition to tolling as a means of funding the Mountain View Corridor. He stated the subject Resolution was agreeable to the Chamber’s position. The Chamber desires the Mountain View Corridor to be built sooner than later as it was urgently needed. The Chamber would like to see some creative funding options as had been done with other projects in the past.

Councilmember Vincent indicated the last paragraph or resolve clause was the most important and it stated the City’s opposition to tolling.

Councilmember Coleman requested Mayor Nordfelt call the question. There was a unanimous voice vote in favor of calling the question.

Mayor Nordfelt requested Councilmember Winder restate his substitute motion. Councilmember Winder restated the substitute motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	No
Mr. Coleman	Yes
Ms. Burt	No
Mr. Winder	Yes
Mr. Rushton	No
Mayor Nordfelt	Yes

Majority.

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-8-

Councilmember Rushton stated he made an error; when he made the original motion he desired to consider any amendments to language first and then the subject resolution as a whole in the event other Councilmembers desired additional amendments. He inquired regarding calling for a re-vote.

Councilmember Burt stated Councilmember Rushton was not on the prevailing side. Mayor Nordfelt explained that Councilmember Rushton would have to have voted on the prevailing side in order to request the matter be reconsidered.

Councilmember Winder requested the matter be reconsidered. Councilmember Rushton expressed appreciation as he did not want to support the substitute amendment, however, he did want to be on record as supporting the resolution.

Councilmember Winder moved to reconsider Resolution No. 08-181 with the hope that it passed again. Councilmember Coleman seconded the motion to reconsider. A voice vote indicated all in favor.

Councilmember Winder moved to approve Resolution No. 08-181 with the amendments as approved once before. Councilmember Coleman seconded the motion.

Councilmember Burt inquired if the Council would consider adding language regarding tolling being an unfair burden to West Valley City residents.

Councilmember Winder indicated it was larger than being unfair to West Valley City residents; it was unfair to west side businesses and affected the transportation infrastructure.

Councilmember Burt stated it was discriminatory against west side residents.

Councilmember Winder entertained a friendly amendment to his substitute motion.

Mayor Nordfelt stated before anyone made another motion, he desired to comment regarding the “east side/west side” issue. He stated the west side perpetuates that issue, not the east side, as east side residents were paying for our TRAX line and they did not make an issue out of where the money for TRAX lines were going in Draper and on the west side of Salt Lake County, they voted for it. He did not want to see the Council add language to the subject resolution that would perpetuate that issue, especially when it comes to transportation. This was a regional transportation system and the Mountain View Corridor was going to be a very small part of the system that everyone in the region would use, not

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-9-

just Salt Lake County residents. In fact, because it was on the Wasatch Front, the entire State would use it and everyone that passed through the State would use it. Whether unfair or not, it would not just be unfair to West Valley City residents.

Councilmember Winder concurred with Mayor Nordfelt's comments and stated the reason he made the motion the reconsider was in order for Councilmember Rushton to be on the record as being opposed to tolling. He then requested the Mayor call the question. A voice vote indicated all in favor of calling the question.

Mayor Nordfelt called for a vote on Councilmember Winder's motion to reconsider Resolution No. 08-181.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	No
Mr. Coleman	Yes
Ms. Burt	No
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Majority - Resolution No. 08-181 passed.

14110

CONSENT AGENDA:

A. RESOLUTION NO. 08-182, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JED HANSEN AS A MEMBER AND CHAIR OF THE ARTS COUNCIL, TERM: JANUARY 1, 2008 – DECEMBER 31, 2008

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-182 which would ratify the City Manager's reappointment of Jed Hansen as a member and chair of the Arts Council for the term January 1, 2008 through December 31, 2008.

B. RESOLUTION NO. 08-183, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JOHN HAYES AS A MEMBER OF THE ARTS COUNCIL, TERM: JANUARY 1, 2008 – DECEMBER 31, 2008

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-183 which would ratify the City Manager's reappointment of John Hayes as a member of the Arts Council for the term January 1, 2008 through December 31, 2008.

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-10-

C. RESOLUTION NO. 08-184, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF STEVE HYDE AS A MEMBER OF THE ARTS COUNCIL, TERM: JANUARY 1, 2008 – DECEMBER 31, 2008

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-184 which would ratify the City Manager's reappointment of Steve Hyde as a member of the Arts Council for the term January 1, 2008 through December 31, 2008.

D. RESOLUTION NO. 08-185, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JEANNE MARSE AS A MEMBER OF THE ARTS COUNCIL, TERM: JANUARY 1, 2008 – DECEMBER 31, 2008

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-185 which would ratify the City Manager's reappointment of Jeanne Marse as a member of the Arts Council for the term January 1, 2008 through December 31, 2008.

E. RESOLUTION NO. 08-186, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF DENNIS JUNIOR NORDFELT AS A MEMBER OF THE ARTS COUNCIL, TERM: JANUARY 1, 2008 – DECEMBER 31, 2008

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-186 which would ratify the City Manager's reappointment of Dennis Junior Nordfelt as a member of the Arts Council for the term January 1, 2008 through December 31, 2008.

F. RESOLUTION NO. 08-187, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF KATHERINE ST. JOHN AS A MEMBER OF THE ARTS COUNCIL, TERM: JANUARY 1, 2008 – DECEMBER 31, 2008

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-187 which would ratify the City Manager's reappointment of Katherine St. John as a member of the Arts Council for the term January 1, 2008 through December 31, 2008.

G. RESOLUTION NO. 08-188, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF STEVE VINCENT AS A MEMBER OF THE ARTS COUNCIL, TERM: JANUARY 1, 2008 – DECEMBER 31, 2008

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-188 which would ratify the City Manager's reappointment of Steve

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-11-

Vincent as a member of the Arts Council for the term January 1, 2008 through December 31, 2008.

H. RESOLUTION NO. 08-189, RATIFY THE CITY MANAGER'S APPOINTMENT OF SAL JANSSON AS A MEMBER OF THE ARTS COUNCIL, TERM: JANUARY 1, 2008 – DECEMBER 31, 2008
Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-189 which would ratify the City Manager's appointment of Sal Jansson as a member of the Arts Council for the term January 1, 2008 through December 31, 2008.

I. RESOLUTION NO. 08-190, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF DAVID ALTERTO THE STORM WATER ADVISORY BOARD, TERM: JULY 1, 2008 – JUNE 30, 2010
Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-190 which would ratify City Manager's reappointment of David Alterto to the Storm Water Advisory Board for the term July 1, 2008, through December 31, 2008.

After discussion, Councilmember Coleman moved to approve Resolution Nos. 08-182, 08-183, 08-184, 08-185, 08-186, 08-187, 08-188, 08-189, and 08-190 as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Burt moved to adjourn and convene in an Executive Session for discussion of professional competence and character of an individual. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
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DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-12-

Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 24, 2008, WAS ADJOURNED AT 7:15 P.M., BY MAYOR NORDFELT.

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-13-

THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, JUNE 24, 2008, AT 7:25 P.M., IN THE ADMINISTRATION CONFERENCE ROOM, AT WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Paul Isaac, Acting City Manager

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF TUESDAY, JUNE 24, 2008, WAS ADJOURNED AT 8:10 P.M., BY MAYOR NORDFELT.

SWORN STATEMENT

As the Mayor, I presided at a closed meeting of the West Valley City Council on June 24, 2008. Pursuant to Section 52-4-7.5 Utah Code annotated, 1953 as amended, I hereby sign this sworn statement and affirm that the sole purpose for closing the meeting was to discuss the character, professional competence, or physical or mental health of an individual.

SWORN to this _____ day of _____, 2008.

MAYOR

ATTEST:

City Recorder

DRAFT

DRAFT

MINUTES OF COUNCIL REGULAR MEETING – JUNE 24, 2008

-14-

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting and Executive Session of the West Valley City Council held Tuesday, June 24, 2008.

Sheri McKendrick, MMC
City Recorder

DRAFT